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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/993,626 | 11/27/2001 | Kiyohiro Yokoyama | 2001_1766A | 8244 |
| 513 | 7590 | 02/07/2005 | EXAMINER | |
| WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021 | | | LEFLORE, LAUREL E | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2673 | | |

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/993,626 | YOKOYAMA ET AL. |
| | Examiner Laurel E LeFlore | Art Unit 2673 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 November 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 21-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 21-41 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 27 November 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 27 November 2000. It is noted, however, that applicant has not filed a certified copy of the 2000-359678 application as required by 35 U.S.C. 119(b).

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 16 October 2001. It is noted, however, that applicant has not filed a certified copy of the 2001-318587 application as required by 35 U.S.C. 119(b).

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 26 November 2001. It is noted, however, that applicant has not filed a certified copy of the 2001-359390 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21, 27-31, 33, 34-36 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato 6,507,337 B1 in view of Akasaki 4,894,277.

6. In regard to claim 21, Sato discloses a glass touch panel comprising a pair of transparent substrates, a touch substrate and a display substrate. Each of the upper and lower substrates has a transparent conductive film surface and is opposed to the other at the transparent conductive film surface. See column 1, lines 27-30, which discloses that the "surface of each substrate, that is facing the other substrate, is covered by a thin layer of indium/tin oxide as a transparent conductive layer. The lower transparent substrate is glass as disclosed in column 1, lines 26-27, "The display substrate is made of soda-lime or tempered glass." The display substrate is understood to be the lower substrate, and the touch substrate is understood to be the upper. The upper substrate, unlike the claimed invention, is made of polyethylene terephthalate, polycarbonate, or poly methacrylate resin that is transparent (see column 1, lines 23-24), instead of glass. In column 2, lines 43-49, Sato discloses that using glass as a substrate is well known but may make it "impossible to keep the glass from being broken when strong mechanical impact is given...The glass should be replaced with a transparent resin film, such as polycarbonate or polymethyl methacrylate, that is relatively thin and has a proper rigidity." It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sato by using glass for the substrate. One would have been motivated to make such a change in order to have a simpler substrate without concern for mechanical impact, particularly in applications where the drawbacks of glass are not a concern or where simpler cheaper material is preferred.

The touch panel disclosed by Sato is also different from that of the claimed invention in that Sato does not bond the two substrates with an adhesive in which fine particles having hygroscopic features are mixed, with the fine particles being of a material different than a material of the adhesive.

Akasaki discloses an adhesive in which fine particles having hygroscopic features are mixed, with the fine particles being of a material different than a material of the adhesive. See column 1, lines 61-65, disclosing, "a powder, e.g., a hygroscopic powder, can be deposited within the open mesh areas of the adhesive film's spider web configuration in order to form a laminate product with a special enhanced characteristic, e.g., moisture absorbency."

Akasaki further teaches many merits to such an adhesive in column 2, lines 1-15, including, "a reduction in the amount of adhesive material used as a result of a decrease in specific gravity; a lowered apparent viscosity under high pressure in the applicator; a decreased fluidity after application; a thinner adhesion layer and an expanded adhesion area after adhesion of the substrates under pressure; a shortened set time; improved adhesion when used on porous or rough surfaces; a reduced surface heat capacity which prevents surface heat deformation when applied to thin sheets and other materials; an increase in the feasibility of low temperature applications because of the relative rapid cooling of the substrate surface; improved sealability; improved softness and touch for the finished laminate product; light weight; increased open time in the manufacturing process; and reduced total cost."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sato by having the two substrates bonded with an adhesive in which fine particles having hygroscopic features are mixed, with the fine particles being of a material different than a material of the adhesive, as in the invention of Akasaki. One would have been motivated to make such a change based on the teaching of Akasaki that such a change produces "a laminate product with a special enhanced characteristic, e.g., moisture absorbency", among other merits.

7. In regard to claim 27, Sato discloses in column 7, lines 15-23, a hard coat layer 11 (see figure 2), that "is formed from a silicon base, acrylic base, cellulose base, melamine base, or urethane base resin that is light-hardening type...the hard coat layer 11...is hardened by ultraviolet light". Hence, Sato discloses a thermosetting UV setting acrylic type hard coat layer. He further discloses in column 7, lines 30-32, that "It should be noted that the hard coat layer 11 is provided for the purpose of improving the durability of the touch panel". The difference between this layer as disclosed by Sato and that of the claimed invention is that the hard coat layer disclosed by Sato is not an adhesive. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sato to include an adhesive with the UV setting acrylic properties of Sato's hard coat layer. One would have been motivated to make such a change based on the teaching of Sato to provide such a layer "for the purpose of improving the durability of the touch panel".

8. In regard to claim 28, Sato discloses in column 13, lines 56-58 that the "visible light transmittance at a wavelength of 550 nm is shown in the rightmost column of Table

3 for each of the films F5 to F10." Referring to Table 3, transmittance values of between 90.5% and 95.2% are disclosed. He further discloses in Table 2 that the transmittance of touch panels F3TP and F4TP are 90%. These values are greater than 85%.

9. In regard to claim 29, Sato discloses in column 5, lines 37-38, that "a wide operating temperature ranged from -40°C to 100°C can be provided for the touch panel. This range of temperatures includes the temperature range of -30 to 65°C. In column 10, line 57, Sato further discloses the condition of a humidity of 90%, or 90% RH.

10. In regard to claim 30, see rejection of claim 29. The wide operating temperature ranging from -40°C to 100°C includes the temperature range of -40°C to 85°C. It is understood that a touch panel with such operating temperature characteristics would have equivalent storing temperature characteristics. Also, 90% RH is "95% RH or less."

11. In regard to claim 33, Sato in view of Akasaki discloses a glass touch panel similar to that of the claimed invention. See rejection of claim 21 for similarities. Sato in view of Akasaki differs from that claimed in claim 33 in that the thickness of the two substrates in Sato's invention are not disclosed. However, these thicknesses are conventional and readily available. As evidence of this, see page 6 of the applicant's specification, first sentence underneath Table 1, stating, "Commercial products can be used for such glass having the above properties." The "above properties" include the thickness of the glass. It would have been obvious to one of ordinary skill in the art at the time to modify the invention of Sato in view of Akasaki by using glass of thickness specified in claim 13. One would have been motivated to make such a change in order

to use glass that is already commercially available, and these thicknesses are typical of the glass used in those types of systems.

12. In regard to claim 34, Sato discloses in column 3, lines 16-18, that the "transparent conductive layers are formed according to the vacuum film-thinning technique such as the sputtering method". It is understood that sputtering deposits vapor in a predetermined shape.

13. In regard to claim 36, Sato discloses in Table 2 that the linearities for touch panels F2TP, F3TP and F4TP are 3.5% or less.

14. In regard to claims 31, 35, 38 and 39, an electrostatic withstand voltage of 15kV or more and a voltage range from 0 to 5 V is understood to be common in inventions of this kind. See the reference "Resistive Analog Touch Panels" which includes a variety of touch panels tested under conditions of 25kV (see page 3) and a rated voltage of 7V. Also see page 4, which discloses the use of a rod of 8mm diameter and hardness 60° which applies a load of 200g. Thus, using a rod of the type specified in claim 11 to test an operation load that is up to 200g is common.

15. In regard to claim 40, Sato discloses a touch panel much like that of the claimed invention. See rejection of claim 21 for similarities. However, Sato does not disclose that the touch panel's transparent glass substrate is 2 to 20 in. This size has no disclosed criticality according to the specification of the claimed invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the transparent glass substrate of any size, for instance 2 to 20 inches. One

would have been motivated to make such a change in order to have a touch panel that is of operable size and that is suitable for the application for which the panel is intended.

16. In regard to claim 41, Sato in view of Akasaki discloses that the material of the fine particles is silica. See column 6, lines 16-20, disclosing, "Suitable hygroscopic agents which can be used to produce a moisture-absorbing cloth include a drying agent such as silica gel, aluminum or calcium chloride, etc. The particles of these agents should be comparatively small".

17. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato 6,507,337 B1 in view of Akasaki 4,894,277 as applied to claim 21 above, and further in view of Iwanaga et al US 2001/0030730 A1.

18. Sato in view of Akasaki disclose a glass touch panel similar to that of the claimed invention. See rejection of claim 21 for similarities. Sato in view of Akasaki differs from that claimed in claim 22 in that the hygroscopic fine particles are not specified as being 50 μm . or less in diameter. Sato in view of Akasaki is silent on the point. Iwanaga et al. discloses a liquid crystal display on page 7, paragraph [0130] that "hygroscopic particle of polymer 5 are also printed on the periphery of the substrate 1A to form a dampproof seal." In paragraph [0024], Iwanaga et al. further discloses that the "polymer particles may be in the form of fine particles and...may have an average diameter of 3 micrometers." It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the touch panel of Sato in view of Akasaki by using hygroscopic particles less than 50 μm . in diameter, or in particular, 3 μm . in diameter, as

in the invention of Iwanaga et al. One would have been motivated to make such a change in order to form a damp-proof seal.

19. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato 6,507,337 B1 in view of Akasaki 4,894,277 as applied to claim 21 above, and further in view of Rainer 4,715,388.

20. In regard to claim 23, Sato in view of Akasaki disclose a glass touch panel similar to that of the claimed invention. See rejection of claim 21 for similarities. Sato in view of Akasaki differs from that claimed in claim 3 in that the hygroscopic adhesive is not mixed with a weight ratio of 10% or less. Sato in view of Akasaki is silent on the point. Rainer discloses in column 3, lines 35-36, "1% to 6% of a particulate nondeliquescent hygroscopic adhesive powder" as a hygroscopic adhesive method, stating, "The use of the method results in cigarettes having interadhered shreds". It would have been obvious to one of ordinary skill in the art at the time to modify the invention of Sato in view of Akasaki by mixing the hygroscopic adhesive with a ratio of 1% to 6%, or "10% or less". One would have been motivated to make such a modification in order to interadhere the substrates and because both systems show the process of using a hygroscopic adhesive to combine elements together.

21. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato 6,507,337 B1 in view of Akasaki 4,894,277 as applied to claim 21 above, and further in view of Kent et al. 6,297,811 B1.

22. In regard to claim 24, Sato in view of Akasaki discloses a glass touch panel similar to that of the claimed invention. See rejection of claim 21 for similarities. Sato in

view of Akasaki differs from that claimed in claim 24 in that a silver electrode mixed with a glass fiber is not disposed at a predetermined position on an outer periphery of the transparent conductive film. Kent discloses in column 5, lines 48-56, and referring to figure 4, a method of connecting electrodes to a touch panel. "Interconnects 415-427 can be fabricated from silver-frit (e.g. on glass). Thus, a silver electrode is mixed with a glass fiber. The "electrodes are fabricated from a transparent conductive coating such as ITO", and are shown in figure 4 at a predetermined position at an outer periphery. Kent also states that this is one of "a variety of methods that can be used to electrically connect the electrodes of the present invention with the touchscreen electronics." It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the touchscreen of Sato in view of Akasaki by using the method of Kent for supplying electrodes to the touchscreen. One would have been motivated to make such a modification in order to have a method to electrically connect electrodes with the touchscreen electronics.

23. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato 6,507,337 B1 in view of Akasaki 4,894,277 and further in view of Kent et al. 6,297,811 B1 as applied to claims 21 and 24 above, and further in view of Swift et al. 3,779,878.

24. In regard to claim 25, Sato in view of Akasaki and further in view of Kent disclose a touch panel similar to the one of the claimed invention. See claim 21 and 24 rejections for similarities. Sato in view of Akasaki and further in view of Kent does not disclose that the glass fiber is mixed to the silver electrode with a weight ratio of 10% or less. Swift et al. discloses in column 3, lines 8-17, lines a silver paste for use as a

conducting material on a glass windshield. The silver paste is "made up from 80 to 98 parts of powdered silver to form 2 to 20 parts of borosilicate glass frit". Hence, if the paste is mixed with 98 parts of silver and 2 parts of glass, the weight ratio of glass to silver is 10% or less. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sato in view of Akasaki and further in view of Kent by mixing the glass fiber to the silver electrode with a weight ratio of 10% or less, as in the invention of Swift. One would have been motivated to make such a change based on the teaching of Swift in column 3, lines 14-18, that "commercially available silver-frit pastes have proved satisfactory and such pastes" have the properties as described above.

25. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato 6,507,337 B1 in view of Akasaki 4,894,277 and further in view of Kent et al. 6,297,811 B1 and further in view of Swift et al. 3,779,878 as applied to claims 21, 24 and 25 above, and further in view of "Paste for electronic materials".

26. In regard to claim 26, Sato in view of Akasaki et al. and further in view of Kent et al. and further in view of Swift et al. disclose an invention similar to that disclosed in the present invention. See previous rejections of claims 21, 24 and 25 for similarities. Swift further discloses that the silver electrode is a commercially available silver-frit paste in column 3, line 14. However, Sato in view of Akasaki et al. and further in view of Kent et al. and further in view of Swift et al. does not disclose that the silver paste has an electric resistivity of $5.0 \times 10^{-4} \Omega\text{cm}$. The web article "Paste for electronic materials" discloses a variety of silver pastes for use in touch panels that have resistivity values

between 6×10^{-5} and 2×10^{-4} Ωcm . These values are less than 5.0×10^{-4} Ωcm . However, the specification of the claimed invention states on page 5, first paragraph, that an electric resistivity of 5.0×10^{-4} Ωcm or less is preferable for realizing more effective smoothness. Again see the article "Paste for electronic materials" which discloses an excellent smoothness rating for many of the silver pastes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sato in view of Akasaki et al. and further in view of Kent et al. and further in view of Swift et al. to have a silver paste with resistivity of 5.0×10^{-4} Ωcm . One would have been motivated to make such a change in order to have excellent smoothness based on the article "Paste for electronic materials", which discloses even lower resistivity values and excellent smoothness.

27. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato 6,507,337 B1 in view of Akasaki 4,894,277 as applied to claim 21 above, and further in view of Maeda et al. 6,310,614 B1.

28. In regard to claim 32, Sato in view of Akasaki discloses a glass touch panel similar to that of the claimed invention. See rejection of claim 21 for similarities. Sato further discloses in column 7, lines 2-7, and referring to figure 1, that "dot-shaped spacers 30, for example, are provided on the surface of the conductive layer 25 at regular distances, such as every few millimeters. The spacers 30 are made of light-hardening acrylic resin, and each spacer is about $10 \mu\text{m}$ in height and $10 \mu\text{m}$ to $50 \mu\text{m}$ in diameter". Hence the dot spacers are made of thermosetting resin, with a diameter from 20 to 100 μm . "Every few millimeters" is understood to be from 2 to 4

mm. Sato in view of Akasaki differs from that claimed in claim 12 in that the dot spacers of the touch panel do not have a height that is from 3 to 6 μm . Maeda et al. discloses in column 6, lines 13-17, and referring to figure 2, a touch panel, in which “dot spacers 6 have a height of about 5 microns, which is less than a height of a gap d between movable conductor layer 4 and fixed conductor layer 5. Dot spacers prevent accidental contact between movable conductor layer 4 and fixed conductor layer 5.” It would have been obvious to one skilled in the art at the time the invention was made to modify the touch panel of Sato in view of Akasaki by making the dot spacers 5 μm . in height as in the touch panel of Maeda et al. One would have been motivated to make such a change based on the teaching of Maeda that dot spacers should have a height less than the distance between the two panels, in order to prevent accidental contact between them.

29. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato 6,507,337 B1 in view of Akasaki 4,894,277 as applied to claim 21 above, and further in view of Tannas, Jr. 4,017,848.

30. In regard to claim 37, Sato in view of Akasaki disclose a touch panel similar to the one of the claimed invention. See claim 21 rejection for similarities. Sato in view of Akasaki does not disclose that bounce by an ordinary finger operation is 10 msec or less. Sato in view of Akasaki is silent on the point. Tannas, Jr. discloses a device that switches with finger touch. Tannas, Jr. further discloses that, “Switches of this type...have a contact bounce on the order of 10 milliseconds and thus illustrates the high quality of switches which may be constructed in accordance with the invention.” It

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sato in view of Akasaki by having a bounce by a finger be 10msec or less. One would have been motivated to make such a change based on the teaching of Tannas, Jr. that 10 milliseconds is an excellent value for contact bounce and to have a high quality switch.

Response to Arguments

31. Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel E LeFlore whose telephone number is (703) 305-8627. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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